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December 20, 2017

The Honorable Nicholas G. Garaufis  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *State Of New York, et al, v. Donald Trump, et al.*, 1:17-cv-05228-NGG-JO;  
*Batalla Vidal, et al. v. Baran, et al.*, No. 1:16-cv-04756-NGG-JO

Consent Motion for Leave to File Brief of Current and Former Law Enforcement  
Leaders, as Amicus Curiae

Dear Judge Garaufis:

Our firm, along with the Institute for Constitutional Advocacy and Protection at Georgetown University Law Center, serve as *pro bono* counsel to individual current and former law enforcement leaders ("Proposed Amici"). I respectfully submit this letter to enter my appearance on behalf of the Proposed Amici as well as to seek this Court's leave to file a brief amicus curiae in each of the above-captioned parallel cases.<sup>1</sup> Proposed Amici have conferred with the plaintiffs and with the Department of Justice, which represents the defendants in this case. All of the parties consent to the motion for leave to file an *amicus* brief.

Proposed Amici are current and former individual police chiefs, sheriffs, and law enforcement leaders. Proposed Amici have deep and wide-ranging expertise in local law enforcement and in cooperative federal-state law enforcement activities. They are intimately familiar with the challenges of performing critical law enforcement functions in communities where immigrants fear the police and are vulnerable to exploitation and crime. Proposed Amici therefore have an interest in the present litigation as it pertains to the members of their communities who live and work under the Deferred Action for Childhood Arrivals ("DACA") program.

Proposed Amici's experience in keeping their communities safe has taught them the critical importance of bringing immigrants and their families "out of the shadows" and into their broader communities. Trust and cooperation are essential to public safety, and sound police work is undermined when undocumented immigrants fear interacting with law enforcement. This fear, moreover, leaves undocumented immigrants more vulnerable to crime and exploitation, leading to more violence in the communities that amici are charged with protecting.

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<sup>1</sup> This letter is submitted pursuant to Section III.A of Your Honor's Individual Rules.

“District courts have broad discretion in deciding whether to accept amicus briefs.” *In re HSBC Bank, USA, N.A., Debit Card Overdraft Fee Litig.*, 14 F. Supp. 3d 99, 103 (E.D.N.Y. 2014) (citation omitted). “An amicus brief should normally be allowed when...the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.” *Citizens Against Casino Gambling in Erie Cty. v. Kempthorne*, 471 F. Supp. 2d 295, 311 (W.D.N.Y. 20117) (citation omitted). Based on Proposed Amici’s expertise, they are able to assist this Court in understanding that, by eliminating a significant reason to fear law enforcement, providing work authorization and access to identification, and building trust between police and immigrants with longstanding ties to the United States, DACA aids community policing and makes recipients less vulnerable to crime and exploitation. In doing so, DACA provides vital support to police and law enforcement authorities charged with protecting everyone in their communities.

For the foregoing reasons, Proposed Amici respectfully request permission to file an *amicus* brief on or before December 22, 2017.

Respectfully Submitted,

/s/ Caryn C. Lederer

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CC: All Counsel of Record (VIA ECF)